

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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SHAWN CANADA,

Case No. 23-CV-2704 (JRT/JFD)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

STATE OF MINNESOTA; PAUL SCHNELL, in his official capacity as the Commissioner of the Minnesota Department of Corrections; ANDREW KARLSEN; ZACH GAHM; ROGER CARR; CHAD MITSCH; SCOTT ROFFERS; WILLIAM MCDONALD; MICHAEL ROGOSHESKE; TARA RATHMAN; and KRISTIN LANG, in their official capacity as the Staff of Hearing and Release Unit of Minnesota Dept of Corrections Officers; ALEX BUNGER, in his official capacity as the Chief Probation/Parole Officer of Olmstead County Corrections; ROBYN WOOD; MARY EICHTEN; and SARAH SOMMER, as the Olmstead County Parole/Probation Officers in their official capacity; TRAVIS GRANSEE; PAUL FLESSNER; MATHIAS ANTHONY; and DOUG NELSON, in their official capacity as Staff Members Probation/Parole Officers of Olmsted County Corrections; DAN SEPEDA and DAN STEHR, in their official capacity as Staff Members of Damascus Way; DAVE TOLER, in his official capacity as staff member of Raleigh County Corrections, Parole/Probation; SHERRY BUSH, in her official capacity as Detective of Rochester Police Dept; CHRIS NEWLIN; STEPHEN MONTRY; and ALEXANDER DAVIS, in their official

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capacity as Directors and Staff of Twin Town Treatment Center; SARAH GORR, in her official capacity as Assistant Director of Twin Town Treatment Center; CORPORAL MOORE, in his official capacity as an Officer of West Virginia State Troopers; MARK OSTREM and LAURIE ANDERSON, in their official capacity as Attorney of Prosecution in Olmstead County; JODI WILLIAMSON and KATHY WALLACE, in the official capacity as Judicial Officers of Olmsted County; DAVID HAUGEN, in his official capacity as a Public Defender of Olmsted County; STAFF MEMBER OF THE ST. PAUL POLICE STATION, in their official capacity as Law Enforcement Employees; ALL STAFF MEMBERS OF THE RAMSEY COUNTY DETENTION CENTER, in their official capacity as Staff of the Government of Minnesota and Olmsted County; ALL STAFF MEMBERS OF THE OLMSTED COUNTY DETENTION CENTER, in their official capacity as Part of the Government & County of Minnesota; EDDIES MILES, in his official capacity as the Warden of MCF/ St. Cloud – Prison; TRACEY BELTZ, in her official capacity as the Warden of MCF/ Faribault Prison; JESSE PUGH, in his official capacity as the Warden of MCF/ Rush City Prison; SHANNON REIMANN, in her official capacity as the Warden of MCF/ Lino-Lakes; KATHY HALVORSON, in her official capacity as the Warden of MCF/Oak Park Heights Prison; BILL BOLIN, in his official capacity as the Warden of MCF/Stillwater; AL GODFREY, in his official capacity as the Chief of Field Services of MN Dept of Corrections; REBECCA HOLMES LARSON, in her

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official capacity in her official capacity as  
 the Supervisor of Hearings & Release  
 Unit of MN Dept of Corrections;  
 RACHELLE ORUIS, in their official  
 capacity as Health Services Employees of  
 MCF/ Rush City MN Dept of Corrections;  
 JESSICA OLSON, in their official  
 capacity as Health Services Employees of  
 MCF/ Rush City MN Dept of Corrections;  
 CASSIE HALFACRE, in their official  
 capacity as Health Services Employees of  
 MCF/ Rush City MN Dept of Corrections;  
 RACHEL BOND and SARA  
 EUTEUNUER, in their official capacity s  
 Appellate Public Defender's Employees of  
 Minnesota; OLMSTED COUNTY  
 CORRECTIONS; ROCHESTER POLICE  
 DEPT; LAURA TRAUB, sued in their  
 official capacity; JEREMY  
 DOVERSPIKE, St. Paul Police Station  
 Officer, sued their official capacity;  
 RAMSEY COUNTY DETENTION  
 CENTER; OLMSTED SHERIFF DEPT;  
 OLMSTED COUNTY DETENTION  
 CENTER; ZUMBRO VALLEY  
 MENTAL HEALTH; BECKLEY  
 POLICE STATION; SOUTHERN  
 REGIONAL JAIL; OLMSTED  
 COUNTY DEPT OF HUMAN  
 SERVICES GROUP RESIDENTIAL  
 HOUSING; OLMSTED COUNTY  
 HUMAN SERVICES; MCF / ST.  
 CLOUD; MCF / FARIBAULT; MCF /  
 LINO LAKES; MCF / OAK PARK  
 HEIGHTS; MCF / RUSH CITY; MCF /  
 STILLWATER; MINNESOTA  
 APPELLATE PUBLIC DEFENDER; and  
 TWIN TOWN TREATMENT CENTER,

Defendants.

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In an order dated November 30, 2023, this Court directed Plaintiff Shawn Canada to pay the \$402.00 filing fee for this matter by no later than January 26, 2024, failing which the Court would recommend that this action be dismissed without prejudice for failure to prosecute. (Dkt No. 15.) That deadline has now passed, and Mr. Canada has not paid the required filing fee. Accordingly, this Court now recommends, consistent with the warning previously given to Mr. Canada, that this action be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”). All motions pending in this matter may be denied as moot in light of Mr. Canada’s failure to prosecute.

Based upon the foregoing, and on all of the files, records, and proceedings herein,

**IT IS HEREBY RECOMMENDED THAT:**

1. This action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.
2. All pending motions (Dkt. Nos. 4, 5, 9, 11, 22, 27, 28) be denied as moot.

Dated: February 2, 2024

s/ John F. Docherty  
JOHN F. DOCHERTY  
United States Magistrate Judge

**NOTICE**

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).